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#31 IDS

PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Joseph A. Orr et al.

**Serial No.:** Not Yet Assigned

**Filed:** March 19, 2001

**For:** REBREATHING METHODS INCLUDING OSCILLATING, SUBSTANTIALLY EQUAL REBREATHING AND NON-REBREATHING PERIODS

**Examiner:** Unknown

**Group Art Unit:** Unknown

**Attorney Docket No.:** 4637US

NOTICE OF EXPRESS MAILING

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## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an

admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

## DOCUMENTS

### U.S. Patent Documents

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|---|---|---|
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| WO 98/12963 | 04/1998 | PCT |

Other Documents

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Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application.

Respectfully submitted,

Brick G. Power
Registration No. 38,581
Attorney for Applicants
TRASK BRITT
P. O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: (801) 532-1922

Date: March 19, 2001
BGP/ps:dlm
Enclosures: Form PTO-1449
Copy of documents cited

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# FEE TRANSMITTAL for FY 2001

*Patent fees are subject to annual revision.*

TOTAL AMOUNT OF PAYMENT ($) 1,455.00

| Complete if Known | |
|---|---|
| Application Number | Not Yet Assigned |
| Filing Date | March 20, 2001 |
| First Named Inventor | Joseph A. Orr |
| Examiner Name | Unknown |
| Group Art Unit | Unknown |
| Attorney Docket No. | 4637US |



## METHOD OF PAYMENT

1. [X] The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
   Deposit Account Number: 20-1469
   Deposit Account Name: TraskBritt
   [X] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
   [ ] Applicant claims small entity status. See 37 CFR 1.27
2. [X] **Payment Enclosed:**
   [X] Check [ ] Credit card [ ] Money Order [ ] Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 101 | 710 | 201 | 355 | Utility filing fee | 355 |
| 106 | 320 | 206 | 160 | Design filing fee | 0 |
| 107 | 490 | 207 | 245 | Plant filing fee | 0 |
| 108 | 710 | 208 | 355 | Reissue filing fee | 0 |
| 114 | 150 | 214 | 75 | Provisional filing fee | 0 |

SUBTOTAL (1) ($) 355.00

### 2. EXTRA CLAIM FEES

| | | Extra Claims | | Fee from below | Fee Paid |
|---|---|---|---|---|---|
| Total Claims | 120 | -20** = 100 | X | 9 | = 900 |
| Independent Claims | 8 | - 3** = 5 | X | 40 | = 200 |
| Multiple Dependent | | | | 0 | = 0 |

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description |
|---|---|---|---|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) ($) 1,100.00

**or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for *ex parte* reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | 40 |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 40.00

| SUBMITTED BY | | | | Complete (if applicable) | |
|---|---|---|---|---|---|
| Name (Print/Type) | Brick G. Power | Registration No. (Attorney/Agent) | 38,581 | Telephone | (801) 532-1922 |
| Signature | | | | Date | 03/20/2001 |

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